

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 4394

IN THE MATTER OF:

Served September 29, 1994

Application of KENFE BELLAY, Trading)
as B.D.N. AIRPORT SHUTTLE, for a)
Certificate of Authority --)
Irregular Route Operations)

Case No. AP-94-43

By application filed September 23, 1994, Kenfe Bellay, trading as B.D.N. Airport Shuttle (BDN or applicant), a sole proprietor, seeks a certificate of authority to transport passengers, together with baggage in the same vehicles as passengers, in irregular route operations between points in the Metropolitan District, restricted to transportation in vehicles with a manufacturer's designed seating capacity of 15 or fewer persons, including the driver.

The application includes information regarding, among other things, applicant's facilities, proposed tariff, finances, and regulatory compliance record. The application is available for inspection at the office of the Commission during its regular business hours.

Applicant's proposed tariff contains per capita rates for service between points in the District of Columbia, Montgomery County, MD, and Prince George's County, MD, on the one hand, and Washington National Airport, Washington-Dulles International Airport, and Baltimore-Washington International Airport (BWI), on the other. BWI is outside the Commission's jurisdiction. Applicant will be directed to file an amended proposed tariff deleting rates for service to and/or from BWI.

The application indicates that applicant does not have any vehicles to perform the service proposed in the application, and a description of the vehicle(s) applicant intends to acquire has been omitted. Applicant will be directed to file an equipment list describing the vehicle(s) applicant intends to acquire for the purpose of commencing the service proposed in the application.

In determining whether to grant or deny an application for a certificate of authority, the Compact at Title II, Article XI, Section 7 requires that the Commission determine whether an applicant is fit, willing, and able to perform the transportation properly and conform to the provisions of the Compact and the Commission's rules, regulations, and requirements and whether the transportation is consistent with the public interest. Pursuant to Commission Rule No. 6, this order and fulfillment of its requirements will provide notice of BDN's application for a certificate of authority.

THEREFORE, IT IS ORDERED:

1. That applicant shall publish once in a newspaper of general circulation in the Metropolitan District, no later than October 7, 1994, notice in the form prescribed by the staff of the Commission.

2. That applicant shall file with the Commission, no later than October 28, 1994, an original and four copies of an affidavit that notice has been published as required in the preceding paragraph.

3. That applicant shall file with the Commission, no later than October 7, 1994, an original and four copies of an amended proposed tariff deleting rates for service to and/or from BWI.

4. That applicant shall file with the Commission, no later than October 7, 1994, an original and four copies of an equipment list describing the vehicle(s) applicant intends to acquire for the purpose of commencing the service proposed in the application.

5. That any person wanting to protest the application, in accordance with Commission Rule No. 13 and Regulation No. 54-04(a), and any person wanting to comment on the application, in accordance with Regulation No. 54-04(a), shall file such protest or comment at the office of the Commission, 1828 L Street, N.W., Suite 703, Washington, DC 20036-5104, no later than October 28, 1994, and shall simultaneously serve a copy of such protest or comment on applicant's attorney, Aragaw Mehari, Esquire, 1511 K Street, N.W., Suite 1131, Washington, DC 20005.

6. That any person seeking a formal oral hearing on this matter, in accordance with Commission Regulation No. 54-04(b), shall request one no later than October 28, 1994, and shall simultaneously serve a copy of such request on applicant's attorney, Aragaw Mehari, Esquire, 1511 K Street, N.W., Suite 1131, Washington, DC 20005.

FOR THE COMMISSION:



William S. Morrow, Jr.
Acting Executive Director

